

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6
HON. WARREN R. DARROW
CASE NO. P1300CR20081339

JEANNE HICKS, CLERK
By: Lilly Miller, Deputy Clerk
DATE: August 13, 2010

FILED
DATE: August 13, 2010
5:25 O'Clock P.M.
JEANNE HICKS, CLERK
BY: Lilly Miller
Deputy

TITLE:

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

COUNSEL:

Yavapai County Attorney
Joseph Butner / Jeffrey Paupore
(For Plaintiff)

John Sears
and
Larry Hammond / Anne Chapman
OSBORN MALEDON, P.A.
2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012

(For Defendant)

HEARING ON:
SEALED HEARING

NATURE OF PROCEEDINGS

COURT REPORTER
Holly Draper

START TIME: 4:22 p.m.

APPEARANCES: Joseph Butner, Co-Counsel for the State
Jeffrey Paupore, Co-Counsel for the State
Steven DeMocker, Defendant (in custody)
John Sears, Co-Counsel for Defendant
Larry Hammond, Co-Counsel for Defendant
Anne Chapman, Co-Counsel for Defendant

At 4:22 p.m., Court reconvenes in a sealed hearing with Counsel Butner, Counsel Paupore, Captain David Rhodes, State's Investigator, Counsel Hammond, Counsel Sears, Counsel Chapman, Rich Robertson, Defense Investigator, Associate Counsel Mark Harrison, and the Defendant present. The jury is not present.

The Court notes that the State filed a pleading today which articulated what the State believes to be the specific conflict. The Court had distributed copies of its ruling with respect to the Hartford Insurance evidence. The Court clarifies its ruling and discusses the State's pleading on the conflict.

Counsel Hammond sets forth the defense position on the State's pleading and discusses the Court's ruling on the insurance evidence.

The Court discusses its concerns regarding the indication in the State's motion that Counsel Sears would need to be a witness regarding the transfer of funds.

Counsel Butner and Counsel Hammond present further argument on the issue of a waiver.

The Court notes that it has had limited discussions about this issue with other judges. It was clear to the Court

that the State was going to maintain that pecuniary gain was a motive. The situation of the Defense having an interest in an insurance policy presents the possibility of real complications.

Counsel Hammond discusses the steps taken by the family to ensure that the Defendant had retained qualified Counsel and Counsel's concerns about the State offering that information as proof of killing for pecuniary gain and the unfair prejudice that that information may create.

The Court discusses its ruling and clarifies its position further with respect to the insurance policy.

Counsel Butner presents further argument on the issue of the insurance policy proceeds and argument in support of a specific waiver. Counsel Butner disagrees with the defense proposal that additional witnesses be immunized, as Renee Girard has already been immunized and she is able to testify about the insurance proceeds. Counsel Butner was informed by [REDACTED]

Counsel Sears notes that the Court had previously prohibited testimony regarding the details of the insurance proceeds transfers and presents further argument in support of limiting the insurance policy evidence.

Counsel Hammond requests that the Court withhold issuing its ruling until defense Counsel has an opportunity to submit further written argument to the Court.

Counsel Butner presents reply to Counsel Sears' argument.

Counsel Sears asks that the Court have the ruling titled differently so as to avoid speculation by the press.

The Court will direct that the Clerk file the Court's ruling as a sealed document and have it distributed to those who would normally receive sealed minute entries. The Court declines to delay its ruling. The Court will amend the title of its ruling and it will be filed.

Counsel Sears presents further argument on the issue of the conflict and the State's proposed waiver.

The Court encourages the Parties to review the Court's ruling and to file additional argument. The Court notes that any hearings on this issue will take place at the Camp Verde Courthouse next week.

END TIME: 5:18 p.m.

cc: Division 6
County Attorney
John Sears
Osborn Maledon, P.A.
Victim Services
Dean Trebesch (Contract Administrator, PD)
Christopher DuPont, Trautman DuPont PLC, 1726 North Seventh St., Phoenix, AZ 85006, Counsel for Victims
Charlotte and Katherine DeMocker
John Napper - Counsel for Renee Girard, witness